

Application/Control Number: 10/784,416
Art Unit: 3733

REMARKS

Claims 1, 7 and 10 have been amended to state that the band portion has a concave cross section along a majority of its longitudinal axis. Support for this can be found in Figure 1. Accordingly, no new matter is involved.

In the previous office action, the Examiner rejected claims 1-13 under 35 U.S.C. 102 (b) as being anticipated by WO 86/04498 to Hallberg. Specifically, the Examiner stated:

"Hallberg discloses an implantable surgical device having a deployed shape and an undeployed shape, said device comprising: an elongated flexible and substantially inextensible band portion (7) having a distal end, a proximal end and a longitudinal axis therebetween, said band portion being attached to said inflatable portion along an inner face thereof (FIG.1) wherein when said device is in its undeployed shape at least a portion of said band portion has a concave cross section, taken perpendicular to said longitudinal axis; wherein said inflatable portion and said band portion are integrally manufactured as one part (page 3, lines 25-26); wherein said band portion in its deployed shape has a substantially flat cross section (Page 3, lines 20-23), taken perpendicular to said longitudinal axis; wherein said band portion is at least partially made from at least one of silicone and polyurethane (Page 4, lines 12-17); further comprising a means for attaching said distal and proximal ends of said band together (; an injection port (6) in fluid communication with said inflatable portion."

In addition, the Examiner rejected claims 1-3, 5-7, 9-12 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,601,604 to Vincent. Specifically the Examiner stated:

"Vincent discloses an implantable surgical device having a deployed shape and an undeployed shape, said device comprising: an elongated flexible inflatable portion (16); and an elongated flexible and substantially inextensible band portion (11) having a distal end, a proximal end and a longitudinal axis therebetween, said band portion being attached to said inflatable portion along an inner face thereof (FIG. 1), wherein when said device is in its undeployed shape at least a portion of said band portion has a concave cross section, taken perpendicular to said longitudinal axis; wherein said inflatable portion and said band portion are integrally manufactured as one part (Column 3, lines 2-5) wherein said band portion in it's deployed shape has a substantially flat cross section (FIG. 2), taken